



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
July 16, 2015**

Members present: Chairman Neil Forster, Member Barney Ovrut, Alternates Kim Mellen and David Brown, Building Commissioner Bill Casbarra

Chairman Forster opened the meeting at 7:00 p.m. in the Media Center of the Foxboro High School, 120 South Street.

7:00 p.m. Continued Public Hearing - Foxboro Realty Associates LLC requests a Special Sign Permit pursuant to Foxborough General By-Law 15(B) - Signage, Section III.c.1.(a) and Table 15-2 to allow the installation of a 672 sq. ft. two (2) sided billboard sign on a plot of land known on Assessor's Map 30 as Parcel 695. The parcel is located in Sign District 1. Dan Krantz of the Kraft Group was present. Mr. Krantz presented a new plan to the Board dated June 30, 2015 which shows the location of the proposed billboard along with the newly approved billboards nearby noting that all billboards are 500 feet apart. No abutters were present. Mr. Krantz noted that the location of the billboard on the plan and stated that the Conservation Commission had asked to be notified before installation in case it needed to be moved five to seven feet due to wetlands buffering issues.

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Mr. Brown. The motion carried 3-0-0.

The Board immediately moved into deliberations.

A motion to approve the Special Sign Permit with the following conditions 1. The permit will run with the applicant until it has been constructed and may not be transferred to any other applicant during this time, 2. There can be no modifications to the approval without approval of the Zoning Board, 3. The applicant will obtain any required permits from the Office of Outdoor Advertising and the Building Commissioner, 4. The sign shall not exceed 672 square feet, nor exceed 50 feet in height and will be placed no less than 10 feet from the road layout and 500 feet from any other billboard, 5. The sign shall be illuminated by floodlights either at the top or the bottom with no light wash beyond the sign, 6. The sign shall be constructed with features and designs as shown on the plan and situated on the property as shown on the plan that shall be signed by a registered engineer, 7. The applicant shall establish a bond in the amount of \$10,000 for future removal costs if necessary, 8. Before construction the permit runs with the applicant, if the applicant transfers the property in the future subsequent to construction, the new owner shall be required to post a new bond in an amount to be determined by the Board to pay the cost of the sign removal if it becomes necessary was made by Ms. Mellen and seconded by Mr. Brown. The motion carried 3-0-0.

7:20 p.m. Cataumet Real Estate Group, LLC. requests a Special Sign Permit pursuant to the Codes of the Town of Foxborough, Chapter 213 - Table 2, Sign District 1 Dimensional Requirements to install wall signage on a wall of a building with no building entrance visible from Route 1. Atty. Scott Lacy and Manager Mark Civilinski were present. Atty. Lacy explained that they recently finished façade and signage improvements to their building as approved by the Zoning Board. As part of that decision, they were required to remove the free standing sign on the site but were allowed to have signage on the rear of the building. Two of the tenants, Subway and Metropcs feel that the location on the rear of the building is not allowing visibility to Route 1 North.

Atty. Lacy feels that their situation is unique as the building does not face Route 1 directly but faces more towards the adjoining McDonald's. They would like to propose the signs be moved from the rear of the building to the side, they would be 35 sq. ft. each, made of aluminum and would not be lighted; the tenants feel that this would help their visibility to Route 1 North traffic.

Mr. Casbarra explained that the Sign Bylaw was recently revised and only allows one wall sign per building.

Atty. Lacy feels that each application stands on its own so this will not set precedent. They will remove the existing signs on the back of the building if this application is approved; an alternative would be to allow a new freestanding sign.

Mr. Civilinski explained that the signs in the back are too low, this past winter the signs were under the snowbank for an extended amount of time. Subway is complaining that this is affecting their business.

No abutters were present.

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Ms. Mellen. The motion carried 3-0-0.

The Board immediately moved into deliberations.

Mr. Ovrut stated that the sign bylaw limits each business on Route 1 to one wall sign; the businesses already have signs at their entrances. Mr. Brown asked if the two signs could be combined into one sign.

Ms. Mellen stated that even though she can appreciate the tenants looking for more signs, the sign bylaw was just approved and she is cannot justify making exceptions to it already.

A motion to deny the request for a Special Sign Permit for Cataumet Realty Group was made by Mr. Ovrut and seconded by Mr. Brown. The motion carried 3-0-0.

7:30 p.m. FM Partners, LLC. requests a Special Permit pursuant to the Code of the Town of Foxborough, Chapter 275, Zoning, Section 5.2.1 to change a pre-existing nonconforming use of a parking lot within 100 feet of Central Street; a Special Permit pursuant to Section 5.3.1 to allow the alteration of a nonconforming structure; a Special Permit pursuant to Section 4.4.2 to allow the a principle structure in a nonresidential district to be constructed to a height of 42 feet and four (4) stories where a building height of 40 feet and three (3) stories is allowed, and a Variance from Section 4.1.3. Notes to Table 4-2, Note #1 to allow a front yard setback of 50 feet where 100 feet is required. The property, located at 369 Central Street is in a Highway Business Zoning District and a Zone II Water Resource Protection District. Atty. Frank Spillane, Jeff Saletin of Saletin Realty Group, Marc Landry of High Road Hospitality and Eric Prive of DiPrete Engineering were present. Atty. Spillane explained that they would like to redevelop the plaza commonly known as Foxfield Plaza. The area currently contains two main buildings, the Foxboro Furniture building with 35,000 sq. ft. and the L shaped retail building with 68,000 sq. ft. The property is located in the Highway Business District on 1.39 acres with 11 acres in Foxboro and 1.6 acres in Mansfield. The frontage is on Central Street and abuts Residential, Limited Industrial and Highway Business Zones as well as a Residential Zone in Mansfield. A portion of the site is in the Water Resource District and the site contains 65% impervious coverage right now.

Both buildings are pre-existing non-conforming structures. The parking on Central Street is also pre-existing non-conforming as parking is usually not allowed across from residential uses.

The applicant proposes to demolish the Foxboro Furniture building and 1/3 of the L shaped building, the remaining 46,500 sq. ft. of that building will be refurbished and given a new façade. The site of

the Foxboro Furniture building will be rebuilt as a 139 room hotel. There will also be three additional pads for restaurants and a bank. The curb cuts on Central Street will be reduced to two.

Atty. Spillane explained they are looking for a Special Permit for the parking lot nearest Central Street, the current parking lot is right up to the street and has 128 spaces with five curb cuts from the combined lots. They are proposing to pull the parking back thirty feet to create a landscaping buffer and will be reducing the curb cuts from five to two and the number of spaces from 128 to 91; this will be visually more pleasing. Snow piling will be addressed during the Planning Board process.

Another Special Permit is needed for the alteration of the L shaped building as it is a change to a non-conforming structure. There will be no increases to the non-conformity and will be a great improvement once it is finished. The current tenants will be asked what their plans are, there are no leases currently and the new owners hope to see them stay. The new façade will be a New England look with dormers.

The third Special Permit is for the height and number of stories of the hotel. Forty feet is the maximum allowed and they are asking for 42 feet, three floors are allowed and they are asking for four. There is demand for a hotel in the area and this will add employees and tax revenue to the town. The new road layout will be safer than what is currently there as the current roadway is mostly used as a cut through.

The last request is for a Variance to the front yard setback, a small portion (2,100 sq. ft.) of the hotel will be in the setback nearest Central Street, they cannot easily move the location of the hotel with the restaurant pads and the boulevard roadway.

Atty. Spillane reviewed the criteria for a Variance, the lot is irregularly shaped and surrounded by four different zoning districts, the topography slopes from a mid-high point on both sides and the front of the lot is constricted by the Water Resource District. This project will also improve and re-energize a tired development.

Abutter Leo Potter of 4 Alex Lane spoke in favor of the project; he likes the parking being further back from the road and has no problem with the additional height of the hotel. He feels this is better than other previous proposals for the property.

Russell Reardon of 10 Vernal Ave. also spoke in favor, they spoke with all the neighbors ahead of time to explain the project; he also likes that the roadway through it will not be a speedway any more.

Dan Sean Miller of 3 Robert Street asked about the height of other hotels in town.

Eric Prive of DiPrete Engineering further explained the roadway improvements with a curved roadway to help control the traffic speed. The roadway will have street trees, sidewalks and street lighting. There will be a raised table near the hotel entrance of brick pavers to further reduce vehicle speeds. The hotel and the other structures will all be facing this roadway.

Mr. Prive also explained the landscaping that will be on Central Street, the roadway will line up with Alex Lane across from it with landscaping on either side. This will also be the area that will provide drainage to the site where there is none currently.

Mr. Ovrut asked if any permits will be needed from Mansfield. Mr. Casbarra stated that he has spoken with the Mansfield Building Commissioner and they will not require any as there will be no buildings on Mansfield land.

Mr. Brown asked about the hotel, will it have conference rooms or food service. Mark Landry responded that it will be a Hilton hotel which has high standards. They will offer complementary breakfasts but do not have any plans for a public restaurant or banquet facilities. They will have a

flexible meeting space and some larger rooms but no extended stay facilities; there will be a pool. They will partner with local restaurants for conference meal needs.

Mr. Casbarra stated that Town Manager William Keegan wasn't able to come tonight but he is in support of this project and worked with the developer when he was in Seekonk.

A letter in support of the project from the Planning Board was read into the record.

Atty. Spillane stated that they intend to apply for Orders of Conditions from the Conservation Commission and Site Plan review from the Planning Board.

A motion to close the Public Hearing was made by Mr. Ovrut and seconded by Mr. Brown. The motion carried 3-0-0.

The Board moved immediately into deliberations.

Mr. Ovrut is in favor of the proposal with conditions and Mr. Brown feels it will be a huge improvement over what is there currently.

A motion to grant the requested Special Permits and Variance for 369 Central Street with conditions that it be constructed as shown on the plans, be subject to approval by the Planning Board under Site Plan Approval and the Conservation Commission under a Notice of Intent was made by Mr. Ovrut and seconded by Mr. Brown. The motion carried 3-0-0.

The meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Diana Gray

Signed on behalf of the Board

Kristofor Behn, Clerk